

Assembly Bill No. 1657

Passed the Assembly August 27, 2012

Chief Clerk of the Assembly

Passed the Senate August 22, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 104338.5 to the Health and Safety Code, and to add Section 1463.29 to the Penal Code, relating to traffic offenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1657, Wieckowski. Traffic offenses: additional penalty: spinal cord injury research.

Existing law requires that all fines and forfeitures imposed and collected for crimes other than parking offenses resulting from a filing in a court be deposited with the county treasurer, to be distributed monthly, as required by law. Existing law authorizes the University of California to establish a spinal cord injury research fund, independent of the State Treasury, to accept public and private funds for spinal cord injury research programs and grants.

This bill would impose an additional penalty of \$1 to be imposed upon every conviction for a violation of state or local traffic laws, except for offenses relating to parking. The bill would require the penalty to be deposited with the county treasurer who would, on a semiannual basis, transfer the moneys to the State Treasury for deposit into the Roman Reed Spinal Cord Injury Penalty Fund, which the bill would establish. Because the bill would require the county treasurer to perform additional duties, this bill would impose a state-mandated local program. The bill would also provide that, prior to the transfer of funds to the State Treasurer, the county treasurer is required to withhold a sufficient amount necessary to reimburse the county and the courts for their actual, reasonable, and necessary costs associated with administering these provisions. If those amounts are withheld, the bill would authorize the county to send an accounting report detailing its costs to the Regents of the University of California.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 104338.5 is added to the Health and Safety Code, to read:

104338.5. The Roman Reed Spinal Cord Injury Research Penalty Fund is hereby established in the State Treasury to receive moneys pursuant to subdivision (b) of Section 1463.29 of the Penal Code. Moneys in the fund shall, upon appropriation by the Legislature, be expended by the Regents of the University of California for the purposes of implementing this chapter.

SEC. 2. Section 1463.29 is added to the Penal Code, to read:

1463.29. (a) Subject to subdivision (b), an additional penalty in an amount equal to one dollar (\$1) shall be imposed upon every conviction for a violation of any provision of Division 11 (commencing with Section 21000) of the Vehicle Code, or a violation of any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking as defined in subdivision (i) of Section 1463.

(b) Penalties imposed and collected pursuant to this section shall be deposited with the county treasurer who shall transfer the moneys on March 15 and October 15 of each year to the State Treasury for deposit in the Roman Reed Spinal Cord Injury Research Penalty Fund established pursuant to Section 104338.5 of the Health and Safety Code. Prior to the transfer of funds to the State Treasurer, the county treasurer shall withhold a sufficient amount necessary to reimburse the county and the courts for their actual, reasonable, and necessary costs associated with administering this section. To the extent moneys are withheld by the county treasurer, an accounting report detailing these costs may be sent by the county to the Regents of the University of California.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Approved _____, 2012

Governor